

FORM 1. Notice of Appeal to the United States Court of Appeals for the Federal Circuit from a Judgment or Order of a UNITED STATES DISTRICT COURT

Name of United States District Court for the Northern District of California

Case Number 4:14-cv-1650-YGR

Blue Spike, LLC,

Plaintiff,

v.

NOTICE OF APPEAL

Google Inc.

Defendant.

Notice is hereby given that Blue Spike, LLC (name all parties * taking the appeal) in the above named case hereby appeal to the United States Court of Appeals for the Federal Circuit from the N.D. of California (from the final judgment) ((from an order) (describe the order)) entered in this action on October 1, 2015 (date).

R. Garteiser

(Signature of appellant or attorney)

Garteiser Honea, PLLC
119 W. Ferguson Street
Tyler, TX 75702

(Address of appellant or attorney)

Reset Fields

*See Fed. R. App. P. 3(c) for permissible ways of identifying appellants.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

BLUE SPIKE, LLC,

Plaintiff,

v.

GOOGLE INC.,

Defendant.

Case No. 14-cv-01650 (YGR)

**~~PROPOSED FORM OF~~ JUDGMENT
INVALIDATING ASSERTED PATENTS
PURSUANT TO DKT. NOS. 75, 80**

Hearing Date: N/A

Hearing Time: N/A

Courtroom: Courtroom 1, 4th Floor

Judge: Hon. Yvonne Gonzalez Rogers

This action having come before the Court, and pursuant to the Court's Orders: (1) granting Defendant Google Inc.'s ("Google") Motion for Judgment on the Pleadings (Dkt. Nos. 59, 75); and (2) accepting Plaintiff Blue Spike, LLC's ("Blue Spike") Statement of Non-objection (Dkt. No. 77) in response to the Court's Order to Show Cause (Dkt. Nos. 76, 80) – together which find all asserted claims of U.S. Patent Nos. 7,346,472 (the "'472 Patent"), 7,660,700 (the "'700 Patent"), 7,949,494 (the "'494 Patent"), 8,214,175 (the "'175 Patent"), and 8,712,728 (the "'728 Patent") (collectively, the "Patents-In-Suit") invalid pursuant to 35 U.S.C. § 101 – IT IS HEREBY ADJUDGED AND ORDERED that:

1. For the reasons set forth in the Court's Order on September 8, 2015 (Dkt. No. 75), the following asserted claims are invalid pursuant to 35 U.S.C. § 101:

- claims 1-4, 8, and 11 of the '472 Patent;
- claims 1, 10-12, 18, 21, 27, 40, and 51 of the '700 Patent;
- claims 11, 15, 17, and 29 of the '494 Patent;
- claims 1, 8, 11, 12, 16, and 17 of the '175 Patent; and
- claims 1, 4, 5, 16, 25, and 26 of the '728 Patent.


2. For the same reasons set for in the Court's Order from September 8, 2015 (Dkt. No. 75) and pursuant to the Court's Order from September 18, 2015 (Dkt. No. 80), the following asserted claim is also invalid pursuant to 35 U.S.C. § 101:

- claim 30 of the '728 Patent.

1 3. The foregoing claims of the Patents-In-Suit represent all pending claims at issue in
2 this case.

3 4. WHEREFORE JUDGMENT on the pleadings is entered in this case in favor of
4 Defendant Google and against Plaintiff Blue Spike.

5
6
7 Dated: Qevqdt'3. 2015

By: 
Judge Yvonne Gonzalez Rogers
United States District Judge

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

<p>BLUE SPIKE, LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>GOOGLE INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 14-cv-01650 (YGR)</p> <p>[PROPOSED FORM OF] JUDGMENT INVALIDATING ASSERTED PATENTS PURSUANT TO DKT. NOS. 75, 80</p> <p>Hearing Date: N/A Hearing Time: N/A Courtroom: Courtroom 1, 4th Floor Judge: Hon. Yvonne Gonzalez Rogers</p>
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This action having come before the Court, and pursuant to the Court’s Orders: (1) granting Defendant Google Inc.’s (“Google”) Motion for Judgment on the Pleadings (Dkt. Nos. 59, 75); and (2) accepting Plaintiff Blue Spike, LLC’s (“Blue Spike”) Statement of Non-objection (Dkt. No. 77) in response to the Court’s Order to Show Cause (Dkt. Nos. 76, 80) – together which find all asserted claims of U.S. Patent Nos. 7,346,472 (the “’472 Patent”), 7,660,700 (the “’700 Patent”), 7,949,494 (the “’494 Patent”), 8,214,175 (the “’175 Patent”), and 8,712,728 (the “’728 Patent”) (collectively, the “Patents-In-Suit”) invalid pursuant to 35 U.S.C. § 101 – IT IS HEREBY ADJUDGED AND ORDERED that:

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- claims 1-4, 8, and 11 of the ’472 Patent;
- claims 1, 10-12, 18, 21, 27, 40, and 51 of the ’700 Patent;
- claims 11, 15, 17, and 29 of the ’494 Patent;
- claims 1, 8, 11, 12, 16, and 17 of the ’175 Patent; and
- claims 1, 4, 5, 16, 25, and 26 of the ’728 Patent.


2. For the same reasons set for in the Court’s Order from September 8, 2015 (Dkt. No. 75) and pursuant to the Court’s Order from September 18, 2015 (Dkt. No. 80), the following asserted claim is also invalid pursuant to 35 U.S.C. § 101:

- claim 30 of the ’728 Patent.

3. The foregoing claims of the Patents-In-Suit represent all pending claims at issue in this case.

4. WHEREFORE JUDGMENT on the pleadings is entered in this case in favor of Defendant Google and against Plaintiff Blue Spike.

Dated: Qevqdt'3. 2015

By: 
Judge Yvonne Gonzalez Rogers
United States District Judge

ADRMOP,AO279,APPEAL,CLOSED,REFDIS,RELATE

U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:14-cv-01650-YGR
Internal Use Only

Blue Spike, LLC v. Google Inc.
Assigned to: Hon. Yvonne Gonzalez Rogers
Referred to: Magistrate Judge Jacqueline Scott Corley
Relate Case Cases: [4:13-cv-01105-YGR](#)
[4:15-cv-01494-YGR](#)

Date Filed: 04/10/2014
Date Terminated: 10/01/2015
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Case in other court: Texas Eastern, 6:12-cv-00558
Cause: 35:271 Patent Infringement

Plaintiff

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TERMINATED: 03/08/2013

V.

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Defendant

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TERMINATED: 05/26/2015

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TERMINATED: 09/15/2015

Defendant

Gracenote, Inc.
TERMINATED: 09/15/2015

represented by **Bryan A. Kohm**
(See above for address)
TERMINATED: 09/15/2015

Defendant

Tribune Company
TERMINATED: 09/15/2015

represented by **Bryan A. Kohm**
(See above for address)
TERMINATED: 09/15/2015

Defendant

Tribune Media Services, LLC
TERMINATED: 09/15/2015

represented by **Bryan A. Kohm**
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TERMINATED: 09/15/2015

Miscellaneous

Facebook Inc.

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ATTORNEY TO BE NOTICED

Nicholas H Lee
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Wallace W. Wu
(See above for address)
ATTORNEY TO BE NOTICED

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Counter-defendant

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Randall T Garteiser
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Christopher S Johns

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Eric Miller Albritton
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Michael A Benefield
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TERMINATED: 05/03/2013

Stephen Eugene Edwards
(See above for address)
TERMINATED: 03/08/2013

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Peter Stuart Brasher
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Stephen Eugene Edwards
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TERMINATED: 03/08/2013





Date Filed	#	Docket Text
08/22/2012	<u>1</u>	COMPLAINT against Google Inc. (Filing fee \$ 350 receipt number 0540-3741801.), filed by Blue Spike, LLC. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit A - Patent 8214175, # <u>3</u> Exhibit B - Patent 7949494, # <u>4</u> Exhibit C - Patent 7660700, # <u>5</u> Exhibit D - Patent 7346472)(Albritton, Eric) (Entered: 08/22/2012)
08/22/2012	<u>2</u>	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Albritton, Eric) (Entered: 08/22/2012)
08/22/2012	<u>3</u>	CORPORATE DISCLOSURE STATEMENT filed by Blue Spike, LLC (Albritton, Eric) (Entered: 08/22/2012)
08/22/2012	<u>4</u>	NOTICE of Attorney Appearance by Stephen E Edwards on behalf of Blue Spike, LLC (Edwards, Stephen) (Entered: 08/22/2012)


08/22/2012	<u>5</u>	NOTICE of Attorney Appearance by Michael A. Benefield on behalf of Blue Spike, LLC (Benefield, Michael) (Entered: 08/22/2012)
08/22/2012		Judge Leonard Davis added. (mll,) (Entered: 08/22/2012)
08/22/2012	<u>6</u>	NOTICE of Attorney Appearance by Christopher S Johns on behalf of Blue Spike, LLC (Johns, Christopher) (Entered: 08/22/2012)
08/22/2012	<u>7</u>	NOTICE of Attorney Appearance by Christopher A Honea on behalf of Blue Spike, LLC (Honea, Christopher) (Entered: 08/22/2012)
08/22/2012	<u>8</u>	NOTICE of Attorney Appearance by Randall T Garteiser on behalf of Blue Spike, LLC (Garteiser, Randall) (Entered: 08/22/2012)
08/30/2012	<u>9</u>	Defendant's Unopposed First Application for Extension of Time to Answer Complaint re Google Inc..(Lee, Lance) (Entered: 08/30/2012)
09/04/2012		Defendant's Unopposed First Application for Extension of Time to Answer Complaint <u>9</u> is granted pursuant to Local Rule CV-12 for Google Inc. to 10/17/2012. 30 Days Granted for Deadline Extension. (mll,) (Entered: 09/04/2012)
09/04/2012		(Court only) ***Motions terminated: <u>9</u> filed by Google Inc.. (lrcS, COURT STAFF) (Filed on 9/4/2012) (Entered: 05/14/2014)
09/21/2012	<u>10</u>	SUMMONS Issued as to Google Inc.and emailed to pltf for service. (klb) (Entered: 09/21/2012)
10/09/2012	<u>11</u>	ORDER that this civil action is CONSOLIDATED for pretrial issues only, with the exception of venue. The earliest filed civil action 6:12cv499 shall serve as the Lead Case for consolidated issues. The individual cases will remain active for venue motions and trial. All motions, other than venue motions, shall be filed in the consolidated lead case. Parties shall submit a single Docket Control, Discovery, ESI, and Protective Order, and each of the respective orders shall be filed in the Lead Case. Signed by Judge Leonard Davis on 10/09/12. cc:attys 10-10-12(mll,) (Entered: 10/10/2012)
10/09/2012		This Civil Action is CONSOLIDATED with cause 6:12cv499, which is designated as the Lead Case. All future pleadings, except for venue motions, should be filed in the Lead Case. (mll,) (Entered: 10/10/2012)
11/15/2012	<u>12</u>	ANSWER to <u>1</u> Complaint,, COUNTERCLAIM against Blue Spike, LLC by Google Inc..(Lee, Lance) (Entered: 11/15/2012)
11/15/2012	<u>13</u>	CORPORATE DISCLOSURE STATEMENT filed by Google Inc. (Lee, Lance) (Entered: 11/15/2012)
01/15/2013	<u>14</u>	Order reassigning this case to United States District Judge Michael H. Schneider per General Order 13-3. Please see Appendix D: Addendum Regarding Cases Assigned to Judge Schneider. Judge Leonard Davis no longer assigned to the case. (gsg) (Entered: 01/15/2013)

03/26/2013	<u>15</u>	ORDER OF CONSOLIDATION. The above listed cases are hereby consolidated into cause number 6:12cv499, Blue Spike, LLC v. Texas Instruments, Inc., for all pretrial purposes, including discovery and claim construction. The Clerk of the Court shall add the consolidated defendants to the lead case, as well as lead counsel only. Any other counsel who wishes to appear in the lead case shall file a notice of appearance in that case. The Clerk shall close all cases listed above other than the lead case. Any motions including motions challenging venue or jurisdiction filed prior to consolidation in all cases must be refiled in the consolidated case 6:12cv499 to be considered by the Court. The Court ORDERS Plaintiff to file a notice of readiness for scheduling conference when all Defendants in the consolidated case have either answered or filed a motion to transfer or dismiss. The notice must be filed within five days of the last remaining Defendants answer or motion. The notice must include a list of any pending motions to dismiss or transfer and a list of any other related cases filed in the Eastern District of Texas involving the same patents. If the consolidated case is not ready for scheduling conference within 90 days of this order, Plaintiff must file a detailed status report explaining the reason for the delay. Furthermore, attorney Stephen E. Edwards has moved to withdraw from several of the cases listed above. The Court GRANTS the motions in all cases in which it is pending. Signed by Judge Michael H. Schneider on 03/25/13. cc:attys 3-26-13(mll,) (Entered: 03/26/2013)
03/26/2013		(Court only) ***Civil Case CONSOLIDATED with 6:12cv499 and Terminated. (mll,) (Entered: 03/26/2013)
03/13/2014	<u>16</u>	ORDER granting Motion to Transfer Venue filed in the consolidated lead case, 6:12cv499, by Defendant Google Inc. Plaintiff's claims against Google Inc. are SEVERED from the lead case back into the original cause number, 6:12-cv-558, and the clerk of the court is directed to TRANSFER the severed action to the Northern District of California for further consideration. Signed by Judge Michael H. Schneider on 3/13/14. (mjc,) (Entered: 03/14/2014)
04/07/2014		(Court only) ***Case Reopened. (mjc,) (Entered: 04/07/2014)
04/07/2014		Interdistrict transfer to the Northern District of California. (mjc,) (Entered: 04/07/2014)
04/10/2014	 <u>17</u>	Case transferred in from District of Texas Eastern; Case Number 6:12-cv-00558. Original file certified copy of transfer order and docket sheet received. Modified on 4/14/2014 (vlkS, COURT STAFF). (Entered: 04/14/2014)
04/10/2014	<u>18</u>	Initial Case Management Scheduling Order with ADR Deadlines: Case Management Statement due by 7/23/2014. Case Management Conference set for 7/30/2014 01:30 PM. (vlkS, COURT STAFF) (Filed on 4/10/2014) (Entered: 04/14/2014)
04/14/2014	<u>19</u>	CLERKS NOTICE re transfer of case (vlkS, COURT STAFF) (Filed on


		4/14/2014) (Entered: 04/14/2014)
04/16/2014	20	CLERK'S NOTICE Re: Consent or Declination: Plaintiff and Defendant shall file a consent or declination to proceed before a magistrate judge within 14 days of this notice. (This is a text only docket entry, there is no document associated with this notice.) (ig, COURT STAFF) (Filed on 4/16/2014) (Entered: 04/16/2014)
04/17/2014	<u>21</u>	NOTICE of Appearance by Michael A. Berta (Berta, Michael) (Filed on 4/17/2014) (Entered: 04/17/2014)
04/17/2014	<u>22</u>	NOTICE of Appearance by Nicholas H Lee (Lee, Nicholas) (Filed on 4/17/2014) (Entered: 04/17/2014)
04/17/2014	<u>23</u>	NOTICE of Appearance by Wallace W. Wu (Wu, Wallace) (Filed on 4/17/2014) (Entered: 04/17/2014)
04/29/2014	<u>24</u>	CONSENT/DECLINATION to Proceed Before a US Magistrate Judge by Google Inc... (Wu, Wallace) (Filed on 4/29/2014) (Entered: 04/29/2014)
04/30/2014	<u>25</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (vfk, COURT STAFF) (Filed on 4/30/2014) (Entered: 04/30/2014)
05/01/2014	<u>26</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Vince Chhabria for all further proceedings. Magistrate Judge Donna M. Ryu no longer assigned to the case. Signed by the Executive Committee on May 1, 2014. (cjlS, COURT STAFF) (Filed on 5/1/2014) (Entered: 05/01/2014)
05/02/2014	<u>27</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. James Donato for all further proceedings. Hon. Vince Chhabria no longer assigned to the case. Signed by the Executive Committee on May 2, 2014. Case Reassigned pursuant to General Order 67.(cjlS, COURT STAFF) (Filed on 5/2/2014) (Entered: 05/02/2014)
05/07/2014	<u>28</u>	CASE MANAGEMENT SCHEDULING ORDER: Case Management Statement due by 7/23/2014. Case Management Conference set for 7/30/2014 01:30 PM in Courtroom 11, 19th Floor, San Francisco.. Signed by Judge James Donato on 5/7/14. (lrcS, COURT STAFF) (Filed on 5/7/2014) (Entered: 05/07/2014)
05/09/2014	<u>29</u>	NOTICE of Appearance by Ian Nicholas Ramage (Ramage, Ian) (Filed on 5/9/2014) (Entered: 05/09/2014)
05/19/2014	<u>30</u>	NOTICE of Appearance by Peter Stuart Brasher <i>on behalf of Blue Spike, LLC</i> (Brasher, Peter) (Filed on 5/19/2014) (Entered: 05/19/2014)
05/19/2014	<u>31</u>	NOTICE of Appearance by Randall Garteiser <i>on behalf of Blue Spike, LLC</i> (Garteiser, Randall) (Filed on 5/19/2014) (Entered: 05/19/2014)
05/19/2014	<u>32</u>	NOTICE of Appearance by Christopher Alan Honea <i>on behalf of Blue</i>

		<i>Spike, LLC</i> (Honea, Christopher) (Filed on 5/19/2014) (Entered: 05/19/2014)
06/11/2014	<u>33</u>	ORDER RELATING CASES C-13-1105-YGR and C-14-1647-BLF and C-14-1648-RS and C-14-1649-KAW and C-14-1650-JD. Signed by Judge Yvonne Gonzalez Rogers on 6/11/2014. (fs, COURT STAFF) (Filed on 6/11/2014) (Entered: 06/11/2014)
06/11/2014		Case reassigned to Judge Hon. Yvonne Gonzalez Rogers. Judge Hon. James Donato no longer assigned to the case. (cp, COURT STAFF) (Filed on 6/11/2014) (Entered: 06/12/2014)
06/19/2014	<u>34</u>	CLERKS NOTICE SETTING CASE MANAGEMENT CONFERENCE IN RELATED CASES. Case Management Statement due by 7/21/2014. Initial Case Management Conference set for 7/28/2014 02:00 PM before Judge Yvonne Gonzalez Rogers in Courtroom 1, 4th Floor, Oakland. (Attachments: # <u>1</u> Standing Order) (fs, COURT STAFF) (Filed on 6/19/2014) (Entered: 06/19/2014)
06/19/2014	<u>35</u>	AMENDED CLERKS NOTICE [amended to reflect the correct year of the case as to: 4:13-CV-1105-YGR] (fs, COURT STAFF) (Filed on 6/19/2014) (Entered: 06/24/2014)
07/22/2014	<u>36</u>	JOINT CASE MANAGEMENT STATEMENT <i>ON BEHALF OF ALL PARTIES</i> filed by SoundHound, Inc., Google Inc. (Kohm, Bryan) (Filed on 7/22/2014) Modified on 7/23/2014 (cpS, COURT STAFF). (Entered: 07/22/2014)
07/28/2014	<u>38</u>	Minute Entry: Initial Case Management Conference held on 7/28/2014 before Yvonne Gonzalez Rogers (Date Filed: 7/28/2014). Case REFERRED to Magistrate Judge Corley for Discovery. Tutorial Hearing set for 5/1/2015 10:00 AM. (Court Reporter Diane Skillman.) (fs, COURT STAFF) (Date Filed: 7/28/2014) (Entered: 07/30/2014)
07/30/2014	<u>37</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options (Garteiser, Randall) (Filed on 7/30/2014) (Entered: 07/30/2014)
07/30/2014		(Court only) CASE REFERRED to Magistrate Judge Jacqueline Scott Corley for Discovery, ***Set/Clear Flags. (lmh, COURT STAFF) (Filed on 7/30/2014) (Entered: 07/30/2014)
07/31/2014	<u>39</u>	STIPULATION WITH PROPOSED ORDER re proposed schedule filed by Google Inc., SoundHound Inc, Blue Spike LLC. (Lee, Nicholas) (Filed on 7/31/2014) Modified on 8/1/2014 (cpS, COURT STAFF). (Entered: 07/31/2014)
08/01/2014	<u>40</u>	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>by Google Inc.</i> (Lee, Nicholas) (Filed on 8/1/2014) (Entered: 08/01/2014)
08/04/2014	<u>41</u>	ORDER by Judge Yvonne Gonzalez Rogers granting (39) Stipulation re Joint Schedule in case 4:13-cv-01105-YGR; granting (58) Stipulation re Joint Schedule in case 4:14-cv-01648-YGR;


		granting (40) Stipulation re Joint Schedule in case 4:14-cv-01647-YGR; granting (39) Stipulation re Joint Schedule in case 4:14-cv-01650-YGR; granting (35) Stipulation re Joint Schedule in case 4:14-cv-01649-YGR (fs, COURT STAFF) (Filed on 8/4/2014) (Entered: 08/04/2014)
08/04/2014		Set Deadlines/Hearings: Claim Construction Discovery completed by 5/2/2015. Opening Claim Construction Brief by Blue Spike filed 6/2/15; Responsive Claim Construction Brief by AOptix and Defendants filed by 6/23/2015; Reply Claim Construction Brief by Blue Spike filed by 7/7/15. Status Conference set for 5/1/2015 10:00 AM in Courtroom 1, 4th Floor, Oakland before Hon. Yvonne Gonzalez Rogers. (fs, COURT STAFF) (Filed on 8/4/2014) (Entered: 08/04/2014)
08/13/2014	 42	Transcript of Proceedings held on July 28, 2014, before Judge Yvonne Gonzalez Rogers. Court Reporter Diane E. Skillman, Telephone number 510-451-2930, Diane_Skillman@cand.uscourts.gov, diane.transcripts@aol.com. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re (39 in 4:14-cv-01647-YGR) Transcript Order) Release of Transcript Restriction set for 11/12/2014. (Skillman, Diane) (Filed on 8/13/2014) (Entered: 08/13/2014)
08/13/2014	43	TRANSCRIPT ORDER by Blue Spike, LLC for Court Reporter Diane Skillman. (Garteiser, Randall) (Filed on 8/13/2014) (Entered: 08/13/2014)
08/14/2014		(Court only) TRANSCRIPT COPY DELIVERED re (63 in 4:14-cv-01648-YGR) Transcript Order (Skillman, Diane) (Filed on 8/14/2014) (Entered: 08/14/2014)
08/15/2014		(Court only) TRANSCRIPT COPY DELIVERED re (43 in 4:14-cv-01650-YGR) Transcript Order, (62 in 4:14-cv-01648-YGR) Transcript Order (Skillman, Diane) (Filed on 8/15/2014) (Entered: 08/15/2014)
08/18/2014	44	TRANSCRIPT ORDER by Google Inc. for Court Reporter Diane Skillman. (Lee, Nicholas) (Filed on 8/18/2014) (Entered: 08/18/2014)
08/21/2014		(Court only) TRANSCRIPT COPY DELIVERED re (44 in 4:14-cv-01650-YGR) Transcript Order (Skillman, Diane) (Filed on 8/21/2014) (Entered: 08/21/2014)
09/09/2014	45	NOTICE of need for ADR Phone Conference (ADR L.R. 3-5 d) <i>jointly filed by Blue Spike, LLC and Google Inc.</i> (Lee, Nicholas) (Filed on 9/9/2014) Modified on 9/9/2014 (cpS, COURT STAFF). (Entered: 09/09/2014)



09/10/2014	 46	ADR Clerk's Notice Setting ADR Phone Conference on Monday, September 15, 2014 at 2:30 PM Pacific time. Please note that you must be logged into an ECF account of counsel of record in order to view this document. (cmf, COURT STAFF) (Filed on 9/10/2014) (Entered: 09/10/2014)
09/15/2014	47	AMENDED COMPLAINT against Google Inc.. Filed by Blue Spike, LLC. (Garteiser, Randall) (Filed on 9/15/2014) (Entered: 09/15/2014)
09/16/2014		ADR Remark: ADR Phone Conference held 9/16/2014 with Daniel Bowling, ADR Program Staff Attorney. Further ADR Phone Conference scheduled for 11/18/2014 at 3:00 PM. Call-in information remains the same. (cmf, COURT STAFF) (Filed on 9/16/2014) (Entered: 09/16/2014)
10/02/2014	48	ANSWER to Amended Complaint , COUNTERCLAIM against Blue Spike, LLC; Jury Demand by Google Inc.. (Lee, Nicholas) (Filed on 10/2/2014) Modified on 10/3/2014 (cpS, COURT STAFF). (Entered: 10/02/2014)
10/02/2014	49	STIPULATION WITH PROPOSED ORDER <i>Regarding Discovery of Electronically Stored Information (Joint ESI Order)</i> filed by Google Inc., SoundHound Inc, Blue Spike LLC. (Lee, Nicholas) (Filed on 10/2/2014) Modified on 10/3/2014 (cpS, COURT STAFF). (Entered: 10/02/2014)
10/03/2014	50	STIPULATION WITH PROPOSED ORDER <i>Regarding Joint Protective Order</i> filed by Google Inc., SoundHound Inc, Blue Spike LLC. (Lee, Nicholas) (Filed on 10/3/2014) Modified on 10/6/2014 (cpS, COURT STAFF). (Entered: 10/03/2014)
10/06/2014	51	ORDER by Magistrate Judge Jacqueline Scott Corley granting (42) Stipulation Regarding Discovery of Electronically Stored Information (Joint ESI Order) in case 4:13-cv-01105-YGR; granting (68) Stipulation Regarding Discovery of Electronically Stored Information (Joint ESI Order) in case 4:14-cv-01648-YGR; granting (49) Stipulation Regarding Discovery of Electronically Stored Information (Joint ESI Order) in case 4:14-cv-01650-YGR; granting (40) Stipulation Regarding Discovery of Electronically Stored Information (Joint ESI Order) in case 4:14-cv-01649-YGR (ahm, COURT STAFF) (Filed on 10/6/2014) (Entered: 10/06/2014)
10/06/2014	52	ORDER by Magistrate Judge Jacqueline Scott Corley granting (44) Stipulation Regarding Joint Protective Order in case 4:13-cv-01105-YGR; granting (70) Stipulation Regarding Joint Protective Order in case 4:14-cv-01648-YGR; granting (44) Stipulation Regarding Joint Protective Order in case 4:14-cv-01647-YGR; granting (50) Stipulation Regarding Joint Protective Order in case 4:14-cv-01650-YGR; granting (42) Stipulation Regarding Joint Protective Order in case 4:14-cv-01649-YGR (ahm, COURT STAFF) (Filed on 10/6/2014) (Entered: 10/06/2014)

10/20/2014	<u>53</u>	ANSWER TO COUNTERCLAIM <u>48</u> Answer to Amended Complaint, Counterclaim by Blue Spike, LLC. (Garteiser, Randall) (Filed on 10/20/2014) (Entered: 10/20/2014)
11/19/2014		ADR Remark: ADR Phone Conference held 11/18/2014 with Daniel Bowling, ADR Program Staff Attorney. Further ADR Phone Conference scheduled for 12/18/2014 at 3:00 PM. Call-in information remains the same. (cmf, COURT STAFF) (Filed on 11/19/2014) (Entered: 11/19/2014)
12/22/2014		ADR Remark: ADR Phone Conference held 12/18/2014 with Daniel Bowling. Plaintiff's counsel failed to appear. A further ADR Phone Conference is scheduled for 4/8/2015 at 10:30 AM. Call-in information remains the same. (cmf, COURT STAFF) (Filed on 12/22/2014) (Entered: 12/22/2014)
02/27/2015	<u>54</u>	STIPULATION WITH PROPOSED ORDER <i>Re Time to Exchange Preliminary Claim Construction and Extrinsic Evidence</i> filed by Blue Spike, LLC, Google Inc (Garteiser, Randall) (Filed on 2/27/2015) Modified on 3/2/2015 (cpS, COURT STAFF). (Entered: 02/27/2015)
03/04/2015	<u>55</u>	ORDER by Judge Yvonne Gonzalez Rogers granting <u>54</u> Stipulation re Time to Exchange Preliminary Claim Construction and Extrinsic Evidence. (fs, COURT STAFF) (Filed on 3/4/2015) (Entered: 03/04/2015)
03/27/2015	<u>56</u>	MOTION to Modify Scheduling Order re <u>41</u> Order filed by Blue Spike, LLC. Responses due by 4/10/2015. Replies due by 4/17/2015. (Attachments: # <u>1</u> Proposed Order)(Garteiser, Randall) (Filed on 3/27/2015) Modified on 3/30/2015 (cpS, COURT STAFF). (Entered: 03/27/2015)
04/01/2015	<u>57</u>	ORDER [AS MODIFIED BY THE COURT] by Judge Yvonne Gonzalez Rogers granting <u>56</u> Motion Modify Scheduling Order (fs, COURT STAFF) (Filed on 4/1/2015) (Entered: 04/01/2015)
04/01/2015		Set/Reset Hearing re <u>57</u> Order on Motion for Miscellaneous Relief Status Conference set for Friday, 8/28/2015 10:00 AM in Courtroom 1, 4th Floor, Oakland before Hon. Yvonne Gonzalez Rogers. Tutorial Hearing set for Friday, 8/28/2015 10:00 AM in Courtroom 1, 4th Floor, Oakland. (fs, COURT STAFF) (Filed on 4/1/2015) (Entered: 04/01/2015)
04/02/2015	<u>58</u>	NOTICE of Appearance by Randall Garteiser <i>[for Molly A. Jones on behalf of Blue Spike, LLC]</i> (Garteiser, Randall) (Filed on 4/2/2015) (Entered: 04/02/2015)
04/03/2015		ADR Remark: The further ADR Phone Conference that was scheduled for 4/8/15 has been postponed to 4/22/15 at 1:00 p.m. Dial-in information remains the same. (tjs, COURT STAFF) (Filed on 4/3/2015) (Entered: 04/03/2015)

04/17/2015		ADR Remark: The ADR Phone Conference previously scheduled on 4/22/2015 at 10:30 AM has been ADVANCED to 9:30 AM Pacific time on 4/22/2015. The call-in information remains the same. (cmf, COURT STAFF) (Filed on 4/17/2015) (Entered: 04/17/2015)
04/27/2015		ADR Remark: ADR Phone Conference held 4/22/2015 with Daniel Bowling. Further ADR Phone Conference scheduled for 7/15/2015 at 10:30 AM. Call-in information remains the same. (cmf, COURT STAFF) (Filed on 4/27/2015) (Entered: 04/27/2015)
05/12/2015	<u>59</u>	MOTION for Judgment on the Pleadings <i>Pursuant to Fed. R. Civ. P. 12(c)</i> filed by Google Inc.. Motion Hearing set for 6/16/2015 02:00 PM in Courtroom 1, 4th Floor, Oakland before Hon. Yvonne Gonzalez Rogers. Responses due by 5/26/2015. Replies due by 6/2/2015. (Attachments: # <u>1</u> Proposed Order)(Berta, Michael) (Filed on 5/12/2015) (Entered: 05/12/2015)
05/12/2015	<u>60</u>	Declaration of Nicholas H. Lee in Support of <u>59</u> MOTION for Judgment on the Pleadings <i>Pursuant to Fed. R. Civ. P. 12(c)</i> filed by Google Inc.. (Attachments: # <u>1</u> Exhibit Exhibit 1 - Blue Spike Articles of Incorporation, # <u>2</u> Exhibit Exhibit 2 - Patent Assignment, # <u>3</u> Exhibit Exhibit 3 - US7346472, # <u>4</u> Exhibit Exhibit 4 - US7660700, # <u>5</u> Exhibit Exhibit 5 - US7949494, # <u>6</u> Exhibit Exhibit 6 - US8214175, # <u>7</u> Exhibit Exhibit 7 - US8712728, # <u>8</u> Exhibit Exhibit 8 - 2014-07-28 CMC Transcript)(Related document(s) <u>59</u>) (Lee, Nicholas) (Filed on 5/12/2015) (Entered: 05/12/2015)
05/22/2015	<u>61</u>	MOTION for Extension of Time to File Response/Reply as to <u>59</u> MOTION for Judgment on the Pleadings <i>Pursuant to Fed. R. Civ. P. 12(c)</i> filed by Blue Spike, LLC. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Affidavit of Randall Garteiser)(Garteiser, Randall) (Filed on 5/22/2015) (Entered: 05/22/2015)
05/26/2015		(Court only) *** Party SoundHound, Inc. terminated (this party is in related case and not part of this action)- clerk fs. (fs, COURT STAFF) (Filed on 5/26/2015) (Entered: 05/26/2015)
05/27/2015	<u>62</u>	ORDER GRANTING IN PART UNOPPOSED MOTION TO MODIFY BRIEFING SCHEDULE; CONTINUING HEARING ON MOTION FOR JUDGMENT ON THE PLEADINGS by Judge Yvonne Gonzalez Rogers ;granting in part and denying in part <u>61</u> Motion for Extension of Time to File Response/Reply re <u>59</u> MOTION for Judgment on the Pleadings <i>Pursuant to Fed. R. Civ. P. 12(c)</i> Responses due by 6/9/2015. Replies due by 6/16/2015. 6/16/15 hearing continued to 6/30/15 at 9:00am. (fsS, COURT STAFF) (Filed on 5/27/2015) (Entered: 05/27/2015)
05/27/2015		Set/Reset Deadlines as to <u>59</u> MOTION for Judgment on the Pleadings <i>Pursuant to Fed. R. Civ. P. 12(c)</i> . Motion Hearing set for 6/30/2015 09:00 AM in Courtroom 1, 4th Floor, Oakland before Hon. Yvonne Gonzalez Rogers. (fsS, COURT STAFF) (Filed on 5/27/2015) (Entered: 05/27/2015)

		05/27/2015)
06/09/2015	<u>63</u>	RESPONSE (re <u>59</u> MOTION for Judgment on the Pleadings <i>Pursuant to Fed. R. Civ. P. 12(c)</i>) filed by Blue Spike, LLC. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Declaration of Randall Garteiser, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Declaration of Yannis Papakonstantinou, Ph.D., # <u>12</u> Exhibit A to Papakonstantinou Decl.)(Garteiser, Randall) (Filed on 6/9/2015) (Entered: 06/09/2015)
06/16/2015	<u>64</u>	REPLY (re <u>59</u> MOTION for Judgment on the Pleadings <i>Pursuant to Fed. R. Civ. P. 12(c)</i>) filed by Google Inc.. (Attachments: # <u>1</u> Appendix A - CBM2014-00020 Doc 34, # <u>2</u> Appendix B - OIP Technologies, Inc. v. Amazon.com, Inc.)(Berta, Michael) (Filed on 6/16/2015) (Entered: 06/16/2015)
06/26/2015	<u>65</u>	MOTION to Relate Case <i>15-01494</i> filed by Gracenote, Inc.. (Attachments: # <u>1</u> Declaration of Bryan Kohm in Support of Administrative Motion to Consider Whether to Relate Cases, # <u>2</u> Proposed Order Granting Administrative Motion to Relate Cases) (Kohm, Bryan) (Filed on 6/26/2015) (Entered: 06/26/2015)
06/29/2015	<u>66</u>	NOTICE of Appearance by Helen E. Dutton (Dutton, Helen) (Filed on 6/29/2015) (Entered: 06/29/2015)
06/30/2015	<u>67</u>	ORDER by Judge Yvonne Gonzalez Rogers granting <u>65</u> Motion to Relate Cases 14-cv-1650-YGR and 15-cv-1494-JD and ORDER RELATING CASES. (fs, COURT STAFF) (Filed on 6/30/2015) (Entered: 06/30/2015)
06/30/2015	<u>69</u>	Minute Entry for proceedings held before Hon. Yvonne Gonzalez Rogers: Motion Hearing held and submitted on 6/30/2015 re <u>59</u> MOTION for Judgment on the Pleadings <i>Pursuant to Fed. R. Civ. P. 12(c)</i> filed by Google Inc. Court Reporter Name Raynee Mercado. Plaintiff Attorney Helen Dutton. Defendant Attorney Michael Berta. Attachment Minutes.(fs, COURT STAFF) (Date Filed: 6/30/2015) (Entered: 07/07/2015)
07/01/2015	<u>68</u>	NOTICE of Pendency of Other Action Involving Same Patent by Gracenote, Inc., Tribune Company, Tribune Media Services, LLC (Kohm, Bryan) (Filed on 7/1/2015) (Entered: 07/01/2015)
07/07/2015		ADR Remark: ADR Phone Conference scheduled for 7/15/2015 at 10:30 AM is rescheduled to 8/6/2015 at 11:00 AM. The call-in information remains the same. (cmf, COURT STAFF) (Filed on 7/7/2015) (Entered: 07/07/2015)
07/09/2015		ADR Remark: Please note the call-in number for the ADR Phone Conference scheduled on August 6, 2015 at 11:00 AM Pacific time has changed. Please call 641-715-3274. The access code previously provided remains unchanged. (cmf, COURT STAFF) (Filed on 7/9/2015)

		(Entered: 07/09/2015)
08/01/2015	70	CLAIM CONSTRUCTION AND PREHEARING STATEMENT <i>PURSUANT TO PATENT LOCAL RULE 4-3</i> filed by Google Inc.. (Attachments: # 1 Exhibit B (Google Inc.'s Identification of Evidence Pursuant to PLR 4-3(b)))(Berta, Michael) (Filed on 8/1/2015) Modified on 8/3/2015 (cpS, COURT STAFF). (Entered: 08/01/2015)
08/03/2015	71	JOINT CLAIM CONSTRUCTION STATEMENT <i>AND PREHEARING STATEMENT PURSUANT TO PATENT LOCAL RULE 4-3 [Corrected]</i> filed by Blue Spike, LLC, Google Inc. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Garteiser, Randall) (Filed on 8/3/2015) Modified on 8/4/2015 (cpS, COURT STAFF). (Entered: 08/03/2015)
08/04/2015	72	TRANSCRIPT ORDER by Google Inc. for Court Reporter Raynee Mercado. (Lee, Nicholas) (Filed on 8/4/2015) (Entered: 08/04/2015)
08/04/2015	73	TRANSCRIPT ORDER by Blue Spike, LLC for Court Reporter Raynee Mercado. (Garteiser, Randall) (Filed on 8/4/2015) (Entered: 08/04/2015)
08/06/2015		ADR Remark: ADR Phone Conference held on 8/6/2015 with Daniel Bowling, ADR Program Staff Attorney. A further ADR Phone Conference is scheduled for December 15, 2015 at 11:00 AM Pacific time. The call-in information remains the same. (cmf, COURT STAFF) (Filed on 8/6/2015) (Entered: 08/06/2015)
08/14/2015	74	CLERK'S NOTICE VACATING STATUS AND TUTORIAL.In light of the Court's trial calendar, the Status Conference and Claim Construction Tutorial currently set for August 28, 2015 is VACATED. The Court will advise the parties on a rescheduled date. <i>(This is a text-only entry generated by the court. There is no document associated with this entry.)</i> (fs, COURT STAFF) (Filed on 8/14/2015) (Entered: 08/14/2015)
09/08/2015	75	ORDER by Judge Yvonne Gonzalez Rogers granting 59 Motion for Judgment on the Pleadings (fs, COURT STAFF) (Filed on 9/8/2015) (Entered: 09/08/2015)
09/08/2015	76	ORDER TO SHOW CAUSE re Dkt. No. 75. Show Cause Response due by 9/14/2015; Response filed 9/16/15. Signed by Judge Yvonne Gonzalez Rogers on 9/8/15. (fs, COURT STAFF) (Filed on 9/8/2015) (Entered: 09/08/2015)
09/14/2015	77	Unopposed Statement of Non-Objection in Response to Order to Show Cause by Blue Spike, LLC. (Garteiser, Randall) (Filed on 9/14/2015) Modified on 9/15/2015 (kcS, COURT STAFF). (Entered: 09/14/2015)
09/15/2015		(Court only) *** Party Tribune Media Services, LLC, Gracenote, Inc. and Tribune Company terminated. Incorrectly entered into case docket. (fs, COURT STAFF) (Filed on 9/15/2015) (Entered: 09/15/2015)

09/15/2015	<u>78</u>	NOTICE by SoundHound, Inc. <i>of Request to Terminate Electronic Notification</i> (Kohm, Bryan) (Filed on 9/15/2015) (Entered: 09/15/2015)
09/16/2015	<u>79</u>	NOTICE of Pendency of Other Action Involving Same Patent by Facebook Inc. (Armon, Orion) (Filed on 9/16/2015) (Entered: 09/16/2015)
09/18/2015	<u>80</u>	ORDER RE: REMAINING PATENT CLAIM. Signed by Judge Yvonne Gonzalez Rogers on 9/18/15. (fs, COURT STAFF) (Filed on 9/18/2015) (Entered: 09/18/2015)
09/21/2015	 <u>81</u>	Transcript of Proceedings held on June 30, 2015, before Judge Yvonne Gonzalez Rogers. Court Reporter Raynee H. Mercado, CSR, telephone number 510-502-6175, cacs8258@gmail.com, raynee_mercado@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re <u>72</u> Transcript Order, <u>73</u> Transcript Order) Release of Transcript Restriction set for 12/17/2015. (Related document (s) <u>72</u> , <u>73</u>) (rhM) (Filed on 9/21/2015) (Entered: 09/21/2015)
09/23/2015	<u>82</u>	UNOPPOSED PROPOSED FORM OF JUDGMENT INVALIDATING ASSERTED PATENTS PURSUANT TO DKT. NOS. <u>75</u> , <u>80</u> by Google Inc.. (Berta, Michael) (Filed on 9/23/2015) Modified on 9/24/2015 (cpS, COURT STAFF). (Entered: 09/23/2015)
10/01/2015	<u>83</u>	JUDGMENT INVALIDATING ASSERTED PATENTS PURSUANT TO DKT. NOS. 75, 80. Signed by Judge Yvonne Gonzalez Rogers on 10/1/15. (fs, COURT STAFF) (Filed on 10/1/2015) (Entered: 10/01/2015)
10/01/2015		(Court only) ***Civil Case Terminated. (fs, COURT STAFF) (Filed on 10/1/2015) (Entered: 10/01/2015)
10/02/2015	<u>84</u>	REPORT on the determination of an action regarding Patent. (cc: form mailed to register). (kcS, COURT STAFF) (Filed on 10/2/2015) (Entered: 10/02/2015)
10/05/2015	<u>85</u>	NOTICE OF APPEAL to the Federal Circuit as to <u>83</u> Judgment by Blue Spike, LLC. Filing fee \$ 505, receipt number 0971-9891288. Appeal Record due by 11/4/2015. (Garteiser, Randall) (Filed on 10/5/2015) (Entered: 10/05/2015)